

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE:	)	CHAPTER 11
	)	
MONTERREY WHOLESALE, INC.	)	CASE NO. 09-90983-JEM
	)	
Debtor.	)	

**MOTION OF DEBTOR-IN-POSSESSION MONTERREY  
WHOLESALE, INC. TO DISMISS CHAPTER 11 CASE**

Monterrey Wholesale, Inc., the Debtor-in-Possession (hereinafter the “Debtor”) in the above-referenced Chapter 11 case, hereby files its Motion to Dismiss this Chapter 11 case pursuant to 11 U.S.C. §1112.. In support thereof, Debtor shows the following:

1.

On November 23, 2009 (the “Petition Date”), the Debtor commenced the above-captioned case by filing voluntary petition for relief under Chapter 11 of the Bankruptcy Code.

2.

This Court has jurisdiction over this case pursuant to 28 U.S.C. § 1334. The subject matter of this motion is a “core proceeding” pursuant to 28 U.S.C. § 157(b)(2)(A) and (M). Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

3.

Since the Petition Date, Debtor has operated the business as a Debtor-in-Possession.

4.

The Debtor believes that Wachovia Bank, N.A. (“Wachovia”) holds a security interest in the inventory, accounts, revenues and other personal property of the Debtor. On February 1, 2010, the Court entered an Order authorizing the use of cash collateral. Debtor does not believe it has any property or assets of value that are not encumbered by a lien from Wachovia or other lenders.

5.

Although the Debtor has operated at a slight positive cash flow since the Petition Date, the Debtor believes that it will not be able to generate sufficient income over the long run to fund future administrative expenses and propose a feasible plan of reorganization with a meaningful distribution to creditors.

6.

Debtor’s officers have decided to close and wind down the Debtor’s business.

7.

Counsel for the Debtor has been in contact with counsel for Wachovia concerning the preservation of its collateral. As the accounts receivable and

inventory of the Debtor constitute a significant part of Wachovia's collateral, the Debtor believes that it is in the best interests of the parties to seek a dismissal as soon as reasonably possible so that Wachovia may take the appropriate steps to preserve its collateral.

8.

The Debtor believes that it will be able to pay all administrative expenses and U.S. Trustee fees. Debtor will also file all operating reports through the date of a dismissal.

WHEREFORE, based upon the above-referenced facts, Debtor Monterrey Wholesale, Inc. respectfully requests that the Court dismiss this Chapter 11 case pursuant to 11 U.S.C. §1112.

Respectfully submitted this 6<sup>th</sup> day of May 2010.

/S/  
Scott B. Riddle, Esq.  
GA Bar No. 604855  
Suite 3250 One Atlantic Center  
1201 West Peachtree Street, NW  
Atlanta GA 30309  
Telephone: (404) 815-0164  
***Counsel for Debtor***

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
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IN RE:	)	CHAPTER 11
	)	
MONTERREY WHOLESALE, INC.	)	CASE NO. 09-90983-JEM
	)	
Debtor.	)	

**NOTICE OF HEARING ON DEBTOR’S MOTION TO DISMISS**  
**CHAPTER 11 CASE**

**PLEASE TAKE NOTICE** that Debtor Monterrey Wholesale, Inc. has filed a Motion to Dismiss its Chapter 11 Case (the “Motion”) with the Court in the above-styled case.

**PLEASE TAKE FURTHER NOTICE** that the Court will hold a hearing on the Motion in Courtroom 1404, United States Courthouse, 75 Spring Street, S.W., Atlanta, Georgia at 11:00 a.m. on June 1, 2010. Your rights may be affected by the Court’s ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one). If you do not want the Court to grant relief sought in these pleadings or if you want the Court to consider

your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response to the Clerk. The address of the **Clerk's Office is clerk, U.S. Bankruptcy Court, 75 Spring Street, Atlanta, Georgia 30303**. You should also mail a copy of your response to the undersigned at the address stated below.

This 6<sup>th</sup> day of May 2010.

/S/  
Scott B. Riddle, Esq.  
GA Bar No. 604855  
Suite 3250 One Atlantic Center  
1201 West Peachtree Street, NW  
Atlanta GA 30309  
Telephone: (404) 815-0164  
***Counsel for Debtor***

**CERTIFICATE OF SERVICE**

This is to certify that I have caused this day to be served a true and correct copy of the foregoing ***Motion to Dismiss and Notice of Hearing*** by depositing same in United States Mail in a properly addressed envelope with adequate postage thereon to the service list attached hereto.

This 6<sup>th</sup> day of May 2010.

/S/\_\_\_\_\_  
Scott B. Riddle, Esq.

Label Matrix for local noticing  
113E-1  
Case 09-90983-jem  
Northern District of Georgia  
Atlanta  
Thu May 6 09:43:31 EDT 2010

(p)INTERNAL REVENUE SERVICE  
CENTRALIZED INSOLVENCY OPERATIONS  
PO BOX 21126  
PHILADELPHIA PA 19114-0326

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Atlanta, GA 30342-3300

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3211 Shawnee Industrial Way  
Suwanee, GA 30024-3601

Office of the US Trustee  
Suite 362  
75 Spring Street, SW  
Atlanta, GA 30303-3330

PFG Milton's, Inc.  
c/o Simpson Law Offices, L.L.P.  
P.O. Box 550105  
Atlanta, GA 30355-2605

Secretary of the Treasury  
15th & Pennsylvania Avenue, NW  
Washington, DC 20200

Tennessee Department of Revenue  
c/o TN Attorney General's Office  
Bankruptcy Division  
P.O. Box 20207  
Nashville, TN 37202-4015

U. S. Securities and Exchange Commission  
Suite 1000  
3475 Lenox Road, NE  
Atlanta, GA 30326-3235

U.S. Foodservice, Inc (Delaware)  
c/o Simpson Law Offices, LLP  
PO Box 550105  
Atlanta, GA 30355-2605

Atlanta Division  
1340 Russell Federal Building  
75 Spring Street, SW  
Atlanta, GA 30303-3315

AIE Company  
6670 Best Friend Road  
Norcross, GA 30071-2917

AIEN USA LP  
PO Box 671110  
Dallas, TX 75267-1110

AT&T  
PO Box 105262  
Atlanta, GA 30348-5262

AT&T Mobility  
PO Box 6363  
Carol Stream, IL 60197

American Express  
PO Box 360001  
Fort Lauderdale, FL 33336-0001

American Express Travel Related Services  
Co, Inc Corp Card  
POB 3001  
Malvern, PA 19355-0701

BB&T Insurance Services  
Ste 320  
1825 Barrett Lakes Blvd  
Kennesaw, GA 30144-7570

(p)BIRCH COMMUNICATIONS  
4885 RIVERSIDE DR  
SUITE 304  
MACON GA 31210-1148

Blue Cross Blue Shield of GA  
PO Box 105789  
Atlanta, GA 30348-5789

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PO BOX 1847  
WILSON NC 27894-1847

CIT Technology Financing Services, Inc.  
Bankruptcy Processing Solutions, Inc.  
800 E Sonterra Blvd., Suite 240  
San Antonio, TX 78258-3941

Cintas  
1055 Progress Blvd  
Lawrenceville, GA 30043-4646

Concentra Medical Ctr  
Occupational Health Ctr  
PO Box 82730  
Atlanta, GA 30354-0730

Dadepaper  
600 Hartman Ind. Ct SW  
Ste 200  
Austell, GA 30168-7889

Dispromex  
3715 Collins Lane  
Louisville, KY 40245-1637

Edward Don & Company  
2562 Paysphere Cr  
Chicago, IL 60674-0025

Edward Don & Company  
Attn: Edward T. Ranier  
2500 S Harlem Avenue  
North Riverside, IL 60546-1473

Gas South  
PO Box 530552  
Atlanta, GA 30353-0552

Georgia Crown Dist.  
255 Villanova Dr SW  
Alpharetta, GA 30023

Georgia Department of Revenue  
PO Box 105296  
Atlanta, GA 30348-5296

Georgia Dept. of Labor  
Suite 826  
148 Andrew Young Inter. Blvd., NE  
Atlanta GA 30303-1732

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Bankruptcy Section  
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Atlanta GA 30321-1108

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Lawrenceville, GA 30046-0372

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PO Box 198510  
Atlanta, GA 30384-8510

Hispano Caribe  
3793A North peachtree Road  
Atlanta, GA 30341-2252

IGP Inc.  
6030 Bethelview Rd  
Ste 203  
Cumming, GA 30040-8022

Intedge Mnfg. Inc.  
PO Box 969  
Woodruff, SC 29388-0969

International Gourmet Prods.  
6030 Bethelview Rd  
Ste 203  
Cumming, GA 30040-8022

J.T. Imports, Inc.  
c/o Douglas L. Brooks, P.C.  
P.O. Box 8477  
Atlanta, GA 31106-0477

JT Imports  
2659 Boddie Place  
Duluth, GA 30097-3707

Jackson EMC  
PO Box 100  
Jefferson, GA 30549-0100

Los Amigos Tortilla Mnfg  
251 Armour Drive  
Atlanta, GA 30324-3979

Mason Food Prods  
1200 Alpha Drive  
Alpharetta, GA 30004-5206

Metro Bag LLC  
1150 Cobb International Pkwy  
Ste 100  
Kennesaw, GA 30152-8245

Metropolitan Technologies  
5865 Peachtree Corners East  
Ste C-2  
Norcross, GA 30092

Mike Smith Admin, Leon Estate  
PO Box 1246  
7 Lumpkin Street  
Lawrenceville, GA 30046-8440

Miss. St. Tax Comm  
Sales tax Division  
PO Box 960  
Jackson, MS 39205-0960

Monterrey Real Estate LLC  
1605 Spectrum Drive  
Lawrenceville, GA 30043-5743

Norman Boyd  
165 Meadows Ct  
Dawsonville, GA 30534

Northside Forklift  
980 Cripple Creek Drive  
Lawrenceville, GA 30043-4403

Ole Mexican Foods Inc.  
6585 Crescent Drive  
Norcross, GA 30071-2901

Olympica Produce Co.  
16 Forest Pkwy  
Unit #3  
Forest Park, GA 30297-2015

PFG Miltons  
PO Box 931533  
Atlanta, GA 31193-1533

Penske Truck Leasing  
PO Box 532658  
Atlanta, GA 30353-2658

Penske Truck Leasing Co., L.P.  
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Duluth, GA 30097-4077

Performance Food Group  
12650 E. Arapahoe Rd  
Attn David Easton  
Centennial, CO 80112-3901

Republic Services  
PO Box 9001099  
Louisville, KY 40290-1099

Securnet Protective Serv.  
6115 Jimmy Carter Blvd  
Ste B  
Norcross, GA 30071-4607



Solar Chemical Co.  
PO Box 20272  
Atlanta, GA 30325-0272

Standard Coffee  
PO Box 930814  
Norcross, GA 30003-0814

Standard Coffee Service  
640 Magazine St.  
New Orleans, LA 70130-3406

Stanislaus Food Prods.  
PO Box 3951  
Modesto, CA 95397-0001

Superior Bookkeeping & Data  
PO Box 2689  
Peachtree City, GA 30269-0689

Sysco Food Services  
PO Box 490379  
Atlanta, GA 30349-0379

Team Pest USA  
305 W. Pike St.  
Lawrenceville, GA 30046-4894

Tenn. Dept of Revenue  
500 Deadrick Street  
Nashville, TN 37242-0002

Tennessee Department of Revenue  
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Bankruptcy Division  
PO Box 20207  
Nashville, TN 37202-4015

The Commissioner of Revenue of the  
State of Tennessee  
Tennessee Department of Revenue  
P.O. Box 20207  
Nashville, TN 37202-4015

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987 Sampler Way  
Atlanta, GA 30344-1808

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Palatine, IL 60055-0001

US Foodservice  
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Fairburn, GA 30213-2953

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Wachovia Bank NA  
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Atlanta, GA 30374-0502

Wachovia Comm. Loan Pmt Ctr  
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Waste Management  
PO Box 105453  
Atlanta, GA 30348-5453

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